

Introduced by Senator Corbett
(Principal coauthor: Assembly Member Chesbro)

February 2, 2009

An act to amend Section 1570.7 of the Health and Safety Code, relating to adult day health care.

LEGISLATIVE COUNSEL'S DIGEST

SB 117, as introduced, Corbett. Adult day health care services.

The California Adult Day Health Care Act provides for the licensure and regulation of adult day health centers, with administrative responsibility for the program shared between the State Department of Public Health, the State Department of Health Care Services, and the California Department of Aging pursuant to an interagency agreement.

The act defines core staff for purposes of the act to include, among others, a social worker, as defined.

This bill would replace the term social worker with social services director.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1570.7 of the Health and Safety Code is
- 2 amended to read:
- 3 1570.7. As used in this chapter and in any regulations
- 4 promulgated thereunder:
- 5 (a) "Adult day health care" means an organized day program
- 6 of therapeutic, social, and skilled nursing health activities and
- 7 services provided pursuant to this chapter to elderly persons or

1 adults with disabilities with functional impairments, either physical
2 or mental, for the purpose of restoring or maintaining optimal
3 capacity for self-care. Provided on a short-term basis, adult day
4 health care serves as a transition from a health facility or home
5 health program to personal independence. Provided on a long-term
6 basis, it serves as an alternative to institutionalization in a long-term
7 health care facility when 24-hour skilled nursing care is not
8 medically necessary or viewed as desirable by the recipient or his
9 or her family.

10 (b) “Adult day health center” or “adult day health care center”
11 means a licensed and certified facility that provides adult day health
12 care.

13 (c) “Core staff” includes the positions of program director,
14 registered nurse, ~~social worker~~ *services director*, activity director,
15 and program aide.

16 (d) “Department” or “state department” means the State
17 Department of Public Health.

18 (e) “Director” means the State Public Health Officer.

19 (f) “Elderly” or “older person” means a person 55 years of age
20 or older, but also includes other adults who are chronically ill or
21 impaired and who would benefit from adult day health care.

22 (g) “Extended hours” means those hours of operation prior to
23 or following the adult day health care program hours of service,
24 as designated by the adult day health care center in its plan of
25 operation, during which the adult day health care center may
26 operate an adult day program, or an Alzheimer’s day care resource
27 center, or both.

28 (h) “Hours of service” means the program hours defined and
29 posted by the adult day health care center for the provision of adult
30 day health care services, pursuant to Section 14550 of the Welfare
31 and Institutions Code, which shall be no less than four hours,
32 excluding transportation.

33 (i) “Individual plan of care” means a plan designed to provide
34 recipients of adult day health care with appropriate treatment in
35 accordance with the assessed needs of each individual.

36 (j) “License” means a basic permit to operate an adult day health
37 care center. With respect to a health facility licensed pursuant to
38 Chapter 2 (commencing with Section 1250), “license” means a
39 special permit, as defined by Section 1251.5, empowering the
40 health facility to provide adult day health care services.

1 (k) “Long-term absence” or “long-term vacancy” means an
2 absence or vacancy lasting, or likely to last, more than one month.
3 An adult day health care center’s policies and procedures shall be
4 specific regarding coverage in the situation for long-term absences
5 or vacancies.

6 (l) “Maintenance program” means procedures and exercises
7 that are provided to a participant, pursuant to Section 1580, in
8 order to generally maintain existing function. These procedures
9 and exercises are planned by a licensed or certified therapist and
10 are provided by a person who has been trained by a licensed or
11 certified therapist and who is directly supervised by a nurse or by
12 a licensed or certified therapist.

13 (m) “Program director” shall be a person with both of the
14 following:

15 (1) One of the following backgrounds:

16 (A) A person with a bachelor’s degree and a minimum of two
17 years of experience in a management, supervisory, or
18 administrative position.

19 (B) A person with a master’s degree and a minimum of one year
20 of experience in a management, supervisory, or administrative
21 position.

22 (C) A registered nurse with a minimum of two years experience
23 in a management, supervisory, or administrative position.

24 (2) Appropriate skills, knowledge, and abilities related to the
25 health, and mental, cognitive, and social needs of the participant
26 group being served by the adult day health center.

27 (n) “Restorative therapy” means physical, occupational, and
28 speech therapy, and psychiatric and psychological services that
29 are planned and provided by a licensed or certified therapist. The
30 therapy and services may also be provided by an assistant or aide
31 under the appropriate supervision of a licensed therapist, as
32 determined by the licensed therapist. The therapy and services are
33 provided to restore function, when there is an expectation that the
34 condition will improve significantly in a reasonable period of time,
35 as determined by the multidisciplinary assessment team.

36 (o) “Short-term absence” or “short-term vacancy” means an
37 absence or vacancy lasting one month or less, and includes sick
38 leave and vacations. An adult day health care center shall ensure
39 that appropriate staff is designated to serve in these positions during
40 the short-term absence or vacancy and that the center’s policies

1 and procedures are specific regarding coverage of short-term
2 absences or vacancies.

3 (p) “~~Social-worker~~ *services director*” shall be a person who
4 meets one of the following:

5 (1) The person holds a master’s degree in social work from an
6 accredited school of social work.

7 (2) The person holds a master’s degree in psychology,
8 gerontology, or counseling from an accredited school and has one
9 year of experience providing social services in one or more of the
10 fields of aging, health, or long-term care services.

11 (3) The person is licensed by the California Board of Behavioral
12 sciences.

13 (4) The person holds a bachelor’s degree in social work from
14 an accredited school with two years of experience providing social
15 services in one or more of the fields of aging, health, or long-term
16 care services.